

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, OCTOBER 3, 2007 - 1:30 P.M.

ZONING ADMINISTRATOR: Mary Beth Broeren

STAFF MEMBER: Tess Nguyen, Andrew Gonzales, Rami Talleh, Pamela Avila (recording secretary)

MINUTES: **NONE**

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2007-028 (HENDRICKSON RESIDENCE – CONTINUED FROM THE SEPTEMBER 26, 2007 MEETING):

APPLICANT/

PROPERTY OWNER: Jill and Al Hendrickson, 25071 Cheshire Mission Viejo, CA 92692
REQUEST: To permit (a) the development of a lot with a grade differential exceeding three feet between the high and low points of the parcel, (b) the construction of a two-story single-family residence with a height of approximately 34 ft. 9 in., and (c) the construction of an approximately 119 sq. ft. rooftop deck above the second story. The request includes a review and analysis for compliance with the Infill Lot Ordinance. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/privacy issues, such as window alignments, building pad height, and floor plan layout.

LOCATION: 206 21st Street, 92648 (east side of 21st Street, north of Walnut Avenue)

PROJECT PLANNER: Tess Nguyen

Tess Nguyen, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject property. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary emphasizing the suggested modifications to the plans.

Staff stated that the applicant had revised the plans as requested so that the windows of the proposed house are not aligned with the windows on the adjacent residences. In addition, the third floor habitable area is within the confines of the second story roof volume.

Staff recommended approval of the request based upon the suggested findings and in accordance with the site plans dated 8/27/07, the floor plans dated 10/1/07, and the elevation dated 10/2/07.

Mary Beth Broeren, Zoning Administrator, confirmed with staff that the requested changes in the five window alignments had been completed and the roof area was no longer habitable as specified.

THE PUBLIC HEARING WAS CLOSED AT THE LAST MEETING.

Ms. Broeren stated that she would approve the permit; that the findings did not need to change, and that she would include the revised conditions of approval.

CONDITIONAL USE PERMIT NO. 2007-028 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the project involves the construction of a single-family residence in a residential zone in an urbanized area.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 07-028:

1. Conditional Use Permit No. 07-028 to permit (a) the development of a lot with a grade differential exceeding three feet between the high and low points of a parcel, (b) the construction of a two-story single-family residence with an overall height of approximately 34 ft. 9 in., and (c) the construction of an approximately 119 sq. ft. rooftop deck above the second story will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. Based upon the conditions imposed, the subject property will predominantly maintain the existing pad elevations and site grade conditions, which is consistent with the grade elevations of adjacent properties. The overall building height is not anticipated to impact surrounding properties. As conditioned, the access to the third floor deck will be enclosed within the second floor roof volume. In addition, the rooftop deck above the second story is setback at least five feet from the building exterior and is oriented toward the public right-of-way to insure privacy for adjacent properties.
2. The proposed single-family residence will be compatible with surrounding uses because the residential medium-high density neighborhood is primarily developed with two and three-story single-family and multi-family residential units developed on similar grades. The proposed two-story residence will be compatible with other residential structures in the area, taking into account the proposed building massing, height, and grade of existing single-family and multi-family homes in the immediate vicinity. The residence is designed as a two-story residence with the rooftop deck above the second story which is within the height and setback limitations identified in the Zoning Code. The rooftop deck is setback from the building exterior to insure privacy for adjacent properties.

3. The proposed single-family residence will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) and any specific condition required for the proposed use in the district in which it would be located. The project complies with the maximum building height, maximum lot coverage, minimum building setbacks, and minimum onsite parking. The HBZSO allows single family homes up to a height of 35 ft. with approval of a conditional use permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of Residential Medium-High Density on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:
 - a. LU 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character.
 - b. LU 9.1.2: Require that single-family residential units be designed to convey a high level of quality and character.
 - c. LU 9.2.1: Require that all new residential development within existing residential neighborhoods (i.e. infill) be compatible with existing structures, including the use of building heights, grade elevations, orientation, and bulk that are compatible with the surrounding development and maintenance of privacy on abutting residences.

The project is designed to account for the unique characteristics of the subject site, by allowing for development on a lot with a grade differential, based on plans which propose minimal alteration of the existing site grades. The grade elevations, building orientation, and bulk will be compatible with other residential properties existing in the neighborhood. The development will comply with maximum building height, maximum lot coverage, minimum building setbacks, and minimum onsite parking permitted in the RMH-A zone. The proposed rooftop deck above the second story will be setback from the building exterior as required by the HBZSO, thus minimizing the building massing and ensuring privacy for abutting residences.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 07-028:

1. The site plan received and dated August 27, 2007, floor plans received and dated October 1, 2007, and elevations received and dated October 2, 2007 shall be the conceptually approved design.
2. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>)

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof

ITEM 2: COASTAL DEVELOPMENT PERMIT NO. 2007-008 (OVCA RESIDENCE)

APPLICANT: Peter Haddad, 1619 Alabama Street, Huntington Beach, CA 92648
PROPERTY OWNER: William Ovca, Jr., 16872 Baruna Lane, Huntington Beach, CA 92649
REQUEST: To permit an approximately 976 sq. ft. first and second floor addition to an existing two-story, single-family residence.
LOCATION: 16872 Baruna Lane, 92649 (northeast corner of Baruna Lane and Davenport Drive – Davenport Island)
PROJECT PLANNER: Andrew Gonzales

Andrew Gonzales, Assistant Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary emphasizing the suggested modifications to the plans.

Staff stated that the proposal complies with the Huntington Beach Zoning Subdivision Ordinance in that it has the setbacks, minimum onsite parking, maximum building height, and maximum lot coverage. A Coastal Development permit is required because the project is located within an appealable area of the Coastal Zone and results in more than a 10% increase in the internal floor area and height of the existing residence.

Staff recommended approval of the request based upon the suggested findings and suggested conditions as presented in the executive summary.

Staff stated that the Huntington Harbor Property Owner's Association submitted correspondence in opposition and stated that the proposal had not been submitted to the Association prior to being submitted to the City. The Association wanted the item continued until it was presented to them for approval.

No other written or verbal comments were received in response to the public notification.

THE PUBLIC HEARING WAS OPENED.

Peter Haddad, the applicant, stated that he was unaware that the Huntington Harbor Property Owner's Association had submitted any correspondence. Mary Beth Broeren asked if he was aware of the CC & R's and stated that there was no reason to continue this proposal. Ms. Broeren stated that the City does not enforce any Homeowner Association's CC&Rs. She also stated that she would not condition it but recommended submitting paperwork by the time the applicant would come in for plan check.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Ms. Broeren stated that she would approve the project.

COASTAL DEVELOPMENT PERMIT NO. 2007-008 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the addition will not result in an increase of more than 50% of the existing single family dwelling's floor area.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2007-008:

1. Coastal Development Permit No. 2007-008 for an approximately 976 ft. first and second floor addition to an existing two-story single family residence conforms with the General Plan, including the Local Coastal Program land use designation of Residential Low-Density. The project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage development within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction will occur on a developed site, contiguous to existing residential development.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code, including maximum site coverage, maximum building height, minimum yard setbacks, and minimum on-site parking.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed addition will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer and roads.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access or impact public views to coastal resources.

CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2007-008:

1. The site plan, floor plans, and elevations received and dated July 16, 2007, shall be the conceptually approved design.
2. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

ITEM 3: TENTATIVE PARCEL MAP NO. 2007-161 (PLAZA BUCCELLA TOWNHOMES)

APPLICANT/

PROPERTY OWNER: Franklin Buccella, 3541 Courtside Circle, Huntington Beach CA 92649

REQUEST: To adjust the lot line between two parcels in conjunction with a multi-family development.

LOCATION: 16861 Lynn Street, 92647 (west side of Lynn Street, north of Warner Avenue)

PROJECT PLANNER: Tess Nguyen

Tess Nguyen, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary emphasizing the suggested modifications to the plans.

Staff stated that parcel one is currently developed as a 12 unit multi - family building and will comply with all development standards after the lot line adjustment. Parcel two will meet all applicable development standards when developed in the future for a five unit townhome building.

Staff received no inquiries regarding this project.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as presented in the executive summary.

Mary Beth Broeren, Zoning Administrator, asked about an easement's removal. Staff clarified that the easement was part of a parcel and would be removed to make way for further development. Ms. Broeren asked if the property required emergency access to the back of Lynn Street.

Mr. Buccella, applicant, stated there was a six foot wall between the two properties.

THE PUBLIC HEARING WAS OPENED.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Discussion ensued on whether Public Works had reviewed the proposal and Staff stated they had. Staff stated that there would be dedication requirements of two feet.

TENTATIVE PARCEL MAP NO. 2007-161 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15315 of the CEQA Guidelines, because the project consists of the adjustment of a lot line between two parcels in an urbanized area zoned for residential use, in conformance with the General Plan and zoning, with no variances or exceptions required, and with all services and access to the proposed parcels available.

FINDINGS FOR APPROVAL - TENTATIVE PARCEL MAP NO. 2007-161:

1. Tentative Parcel Map No. 2007-161 to adjust the lot line between two parcels in conjunction with a multi-family development is consistent with the General Plan Land Use Element designation of Residential Medium High Density on the subject property. The proposed adjustment complies with all applicable provisions of the Subdivision Map Act and the HBZSO and is consistent with previous subdivisions in the surrounding neighborhood. The project includes adjustment of the lot line between two parcels and will provide for the development of five multi-family units on parcel 2, in accordance with applicable land use, density, and development standards.
2. The site is physically suitable for the type and density of development allowed by the corresponding zoning designation. The proposed adjustment of the lot line will comply with all applicable code provision of the HBZSO including minimum parcel size of 6,000 sq. ft.

and minimum lot width of 60 ft., as required in the RMH (Residential Medium High Density) zoning district. Parcel 1 is currently developed as a 12-unit multi-family building and will comply with all applicable development standards after the adjustment. Parcel 2 is a relatively flat, rectangular parcel of land, suitable for development. The site is accessible from an existing public street and all necessary public utilities and services are available.

3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The subject site was previously developed with a single-family residence. The site does not serve as habitat for fish or wildlife.
4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. No easements acquired by the public at large for access through or use of the property exist within the site.

CONDITIONS OF APPROVAL – TENTATIVE PARCEL MAP NO. 2007-161:

The Tentative Parcel Map No. 2007-161 to adjust the lot line between two parcels in conjunction with a multi-family development received and dated July 31, 2007 shall be the approved layout.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

THE MEETING WAS ADJOURNED AT 1: 45 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, OCTOBER 17, 2007 AT 1:30 PM.



Mary Beth Broeren
Zoning Administrator

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